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017/021

JUL 06 2007

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims recite statutory subject matter under 35 U.S.C. § 101, and are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicant will now address each of the issues raised in the outstanding Office Action.

Objections

The specification is objected to as containing browser executable code at page 5, line 10. The specification has been amended to remove the purported browser executable code. Therefore, the applicant respectfully submits that this objection should be withdrawn.

Rejections under 35 U.S.C. § 101

Claims 29-33 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The applicant respectfully requests that the Examiner

reconsider and withdraw this ground of rejection in view of the following.

In rejecting claim 29, the Examiner contends that the claimed means "could consist purely of software *per se*, which is nonstatutory." Paper No. 20070126, page 3. Dependent claims 30-33 are similarly rejected. The applicant respectfully disagrees.

Software *per se*, without benefit of processor(s) and/or storage device(s), could not perform the functions recited by the means-plus-function claim elements recited in claim 29. Figure 10 is a block diagram of an apparatus that might be used to perform at least some of the various operations and to store at least some of the information that may be used and/or generated. The specification has been amended to include a description of this apparatus. This description corresponds to the description of Figure 3 of U.S. Patent Application Serial No. 10/614,736, which was incorporated by reference in the paragraph starting at page 22, line 27.

The applicant respectfully submits that claims 29-33 recite statutory subject matter under 35 U.S.C. § 101 in view of the foregoing. Therefore, the applicant respectfully requests that this ground of rejection be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-5 and 29-33 stand rejected as being anticipated by U.S. Patent No. 6,876,997 ("the Rorex patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 1 and 29, as amended, are not anticipated by the Rorex patent because the Rorex patent does not teach generating a search result page including (i) a first plurality of ads (generated, for each of a first plurality of search results, using landing page information and/or ad creative information determined from a first plurality of search results), and (ii) a second plurality of search results corresponding to a search query, wherein the generated ads are maintained as distinct from the second plurality of search results on the search result page. This amendment is supported, for example, by pages 10 and 11 of the Specification. The Examiner contends that 310a and 310b of Figure 3A of the Rorex patent show at least one search result and a generated ad, respectively. (See Paper No. 20070126, page 5.) However, this does not teach the foregoing feature. Indeed, both 310a and 310b of the Rorex patent are ads (paid listings).

Thus, independent claims 1 and 29 are not anticipated by the Rorex patent for at least this reason. Since claims 2-5 and 30-33 depend from claims 1 and 29, respectively, these claims are similarly not anticipated by the Rorex patent.

New claims

New claims 57 and 62 depend from claims 1 and 29, respectively, and further recite that the second plurality of search results is a predetermined number, and wherein the predetermined number of the second plurality of search results is no less than a number of ads included on the generated search results page. This

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JUL 06 2007

is supported, for example, by pages 10 and 11 of the specification, and further distinguishes the claimed invention over the Rorex patent. (Compare, e.g., column 7, lines 35-40 of the Rorex patent.)

New claims 58 and 63 depend from claims 1 and 29, respectively, and further recite that the first plurality of search results and the second plurality of search results are generated by the same search operations. This is supported, for example, by the description of search operations 505 on page 16. This further distinguishes the claimed invention over the Rorex patent. (Compare, e.g., Figure 1, 108 and column 7, lines 38-45 of the Rorex patent.)

New claims 59 and 64 depend from claims 1 and 29, respectively, and further recite that the ads included on the generated search results page are ordered using a search score. New claims 60 and 65 depend from claims 59 and 64, respectively, and further recite that the search score is a function of an information retrieval score. Finally, new claims 61 and 66 depend from claims 59 and 64, respectively, and further recite that the search score is a function of a page rank score. These claims are supported, for example, by page 17 of the specification. These features further distinguish the claimed invention over the Rorex patent. (Compare, e.g., column 7, lines 20-34 of the Rorex patent.)

Conclusion

Any arguments made in this amendment pertain *only* to the specific aspects of the invention *claimed*. Any claim amendments or cancellations, and any arguments, are made *without prejudice to, or disclaimer of*, the applicant's

right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Respectfully submitted,

July 6, 2007

John C. Pokotylo

John C. Pokotylo, Attorney
Reg. No. 36,242
Tel.: (732) 542-9070

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July 6, 2007

Date